

**Remarks**

**A. Rejection Under 35 USC §101**

Applicant gratefully acknowledges the withdrawal of the rejection of claims 1 – 6.

Claims 7-8 stand rejected as being directed to non-statutory subject matter for not being within the technological arts. Claims 7 and 8, as amended, involve technology in the core steps of the invention and therefore go beyond just gathering and storing information in the computer, which the Office Action states is a “trivial recitation of technology.”

Accordingly, claims 7-8 as amended are within the technological arts and therefore are directed at statutory subject matter.

**B. Rejection Under 35 USC §103**

Claims 1-8 stand rejected as being non-obvious over DeTore et al.

The Office Action states that the arguments regarding the art rejection presented on 10/19/04 are not persuasive. Specifically, the Office Action points to several features on which the applicant relies in distinguishing the present invention from the prior art which are not recited in the rejected claims. Applicant respectfully submits that the claims as amended address these concerns.

The present invention discloses a system which provides for a detailed analysis of an individual's lifestyle and accompanying risks that addresses current illnesses and/or can lead to a higher chance of future illness in order to make a monetary insurance value assessment. A valuable, useful and tangible result of the above described system is that the invention provides a completely automated health insurance evaluation system wherein a potential insured can interactively respond to a computer generated query.

The present invention presents a plurality of survey questions and further includes a step of assuring the veracity of the respondents answers by providing a separate set of questions to

respondent's doctor or lab technologist. The questions in the survey cover a wide array of lifestyle choices including: a user's environment, health and nutrition (Specification pg. 15), radiation exposure (pg. 15), diet (pg. 15), whether they smoke, or indirect exposure to smoke (pg. 15), diseases and allergies (page 15), home exposures, or work related risks (pgs. 15-16), exercise recommendations (pg. 16), family medical history (pg. 16), a respondent's weight (pg. 16), height (pg. 16), stress (pg. 17), drug use, both of prescription and illegal drugs (pg. 17), safety (pg. 17), present and past nutrition (pg. 17), pets (pg. 17), alcohol use (pg. 17), whether the person is dieting (pg. 21), geographic considerations (pg.22), hormonal patterns (pg. 22), sexual-social habits (pg. 22), immunity status (pg. 22), exposure to specific infectious diseases (pg. 22), age (pg. 22), among many other factors. Claims 1 and 7, as amended, include the presentation of a "plurality of survey questions" and a "means for verifying said gathered information" to address the Office Action's concern that these limitations are not included in the claim language.

The present invention additionally analyzes both the present and future effects of the lifestyle choices. The computer system attaches a positive or negative value to each response. Depending on the total points assigned a person, he or she would be placed in one of four health insurance plans. Claims 1 and 7, as amended, expressly recite this limitation. DeTore does not teach or suggest analyzing both present and future effects of those lifestyle choices as provided in the claims of the present invention.

In addition, the computer system correlates past values to present insurance premiums subsequent to the initial survey such as to reward an improvement in an individual's health. The system provides respondents with an incentive to modify their lifestyles. The system further recommends concrete and useful methods for such modification. For example, messages include information pertaining to correct vitamin doses, intake level of certain foods, suggestions on life style modifications, and recommendations for exercise.

The present invention recognizes that a person's lifestyle rather than existing risks or medical problems has a significant impact on their health and risk for future disease. As such, the present invention, unlike DeTore, treats such choices as an integral part of the risk analysis. By evaluating the individual as a whole, taking into account past and present conditions and

possible effects in the future, the present invention makes a proper risk assessment. (see, claim 2, lines 3-4, reciting means for assigning "negative values for actions that increase insurance risks and positive values for actions that decrease insurance risk.").

With a precise assessment of an individual's health, the present invention through its messaging means (claim 1, line 23) provides the respondent with concrete, useful and tangible recommendations for treatment of health problems and for altering lifestyle to ensure better health in the future. Because these recommendations are discrete pieces of information in response to the wide variety of questions asked, they are specific and individualized to the needs of the person.

DeTore merely provides the individual with general literature on a medical problem. For example, as the Examiner noted, DeTore provides suggestions on how to improve one's health in the "TREATMENT" section of the information supplied to an individual suffering from hypertension (DeTore cols. 19-22). This information, however, is merely a string of general statements on the treatment of hypertension. Thus, while DeTore describes different methods for combating hypertension, it fails to make specific recommendations in light of the needs of a particular individual.

By contrast, the present invention provides specific, and thus useful individualized recommendations that are tangible. For example, DeTore broadly recommends "eliminat[ing] if possible" the risk factor of "elevated cholesterol," whereas the present invention provides a useful and tangible guide for accomplishing this by suggesting the reduction of intake of specific foods. (see, claim 1, lines 19-20, "messaging means for providing messages to at least such individual that contain said pre-defined suggestions."). Such a message may include the following: "CHOLESTEROL is increased by: 1.) Red meat; 2.) Dairy products; 3.) Nuts; 4.) Shellfish." (specification, pp. 15-16).

Additionally, DeTore only provides an individual with general recommendations for the treatment of medical problems. It fails to make suggestions regarding other factors that contribute to poor health, such as certain lifestyle choices. By failing to provide useful advice on

a great number of day-to-day activities, DeTore neglects to access many other causes of health problems. Hence, it cannot serve as a mechanism to which an individual can turn when seeking out useful information for modifying lifestyle to attain better health.

The present invention on the other hand focuses on lifestyle recommendations that affect the individual more broadly. For example, for individuals who spend a lot of time at the beach, the present system will provide a concrete message that provides cautionary information on radiation exposure (e.g., specification, p. 15, lines 20-22). As amended, claims 1 and 7 make apparent that the pre-defined suggestions are more specific and tailored than the general information provided by DeTore.

In conclusion, the present invention is novel and non-obvious because, in calculating insurance risk, it surveys a wealth of information pertaining to an individual's health and verifies this information. Not only does the present invention evaluate the insurance risk, but it also evaluates overall lifestyle factors and then provides concrete, useful, tangible and individualized suggestions for improving health and lifestyle. As amended, claims 1 and 7 address the concerns of the Office Action by expressly including in the claims the limitations relied upon to distinguish the present invention from DeTore.

Accordingly, claims 1-8 are non-obvious over DeTore et al.

In view of the foregoing amendment and applicant's enclosed remarks, applicants respectfully submit that the claims, as amended, are allowable over the art of record.

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